THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAKEIYA WRIGHT

Plaintiff

v.

TERRY CACCIUTTI, et al., : 3:12-CV-1682

: (JUDGE MARIANI)

Defendants

V.

KURT CARTER :

ORDERED THAT:

Additional Defendant :

ORDER

AND NOW, THIS 11TH DAY OF JUNE, 2015, the jury having found in favor of Plaintiff Takeiya Wright on July 31, 2014, in the amount of three-hundred and twenty-five thousand dollars (\$325,000.00) and the jury having attributed to Defendants John Cacciutti and Terry Cacciutti causal negligence in the amount of one-hundred percent (100%), in accordance with this Court's Memorandum Opinion dated June 11, 2015, IT IS HEREBY

- The Post-Trial Motions of Defendants John Cacciutti and Terry Cacciutti (Doc. 164)
 are GRANTED IN PART AND DENIED IN PART, as follows:
 - a. Defendants' motion for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50(b) is **DENIED**.

- b. Defendants' motion to alter or amend judgment pursuant to Federal Rule of
 Civil Procedure 59(e) is GRANTED IN PART AND DENIED IN PART:
 - i. Defendants' motion to alter or amend the jury award under Rule 59(e) for past medical expenses in the amount of one-hundred and twenty-five thousand dollars (\$125,000.00) is **DENIED** but subject to the Court's grant of remittitur in section 1(g).
 - ii. Defendants' motion to alter or amend the jury award for future medical expenses in the amount of thirty-five thousand dollars (\$35,000.00) is **GRANTED** and the amount awarded by the jury is **STRICKEN**.
 - iii. Defendants' motion to alter or amend the jury award for past lost earnings in the amount of fifty-thousand dollars (\$50,000.00) and for future lost earning capacity in the amount of forty thousand dollars (\$40,000.00) is **DENIED**.
- c. Defendants' motion for a new trial on the basis that the verdict sheet did not include Defendant Paul Benesz is **DENIED**.
- d. Defendants' motion for a new trial on the basis that the Court erred in declining to charge the jury in accordance with the moving defendants' proposed point for charge no. 1 and/or no. 4 is **DENIED**.

- e. Defendants' motion for a new trial on damages with respect to the jury's award of future medical expenses, past lost earnings, and future lost earning capacity is **DENIED**.
- f. Defendants' motion for a remittitur of the jury's award of future medical expenses, past lost earnings, and future lost earning capacity is **DENIED**.
- g. Defendants' motion for a remittitur of the jury's award of past medical expenses is **GRANTED** and the award for past medical expenses is reduced to zero (\$0). Plaintiff shall file an acceptance or rejection of the remittitur within 14 days of the date of this Order.
- h. Defendants' motion for a new trial on damages with respect to past medical expenses is CONDITIONALLY DENIED subject to Plaintiff's filing of an acceptance of the remittitur of damages.
- 2. Should Plaintiff accept the remittitur, judgment shall be entered in favor of plaintiff

 Takeiya Wright and against defendants John Cacciutti and Terry Cacciutti in the

 amount of one hundred and sixty five hundred dollars (\$165,000.00). Should Plaintiff

 reject the remittitur, a new trial only as to Plaintiff's past medical expenses shall be

 held.

Robert D. Marianir

United States District Judge